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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

**IN RE SEAGATE TECHNOLOGY LLC
LITIGATION**

No. 3:16-cv-00523-JCS

STIPULATION AND ~~PROPOSED~~
ORDER VOLUNTARILY DISMISSING
PLAINTIFF JOHN SMITH WITHOUT
PREJUDICE PURSUANT TO CIVIL
PROCEDURE RULE 41(a)(1)(A)(ii)

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, it is hereby stipulated and agreed, by and between the parties, that John Smith is dismissed as a named plaintiff in the above-captioned action, without prejudice and without costs. The voluntary dismissal is as to John Smith only, and is not a dismissal of the ongoing litigation.

In agreeing to this voluntary dismissal, Defendant does not waive its rights under the Federal Rules of Civil Procedure, including Rule 45 and 26, to seek discovery from Mr. Smith as a percipient witness/absent member of the putative class. Similarly, Plaintiffs do not waive their right to seek a protective order under Rule 26 preventing any such discovery.

1 **IT IS SO STIPULATED.**

2
3 DATED: August 21, 2017

HAGENS BERMAN SOBOL SHAPIRO LLP

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1 DATED: August 21, 2017

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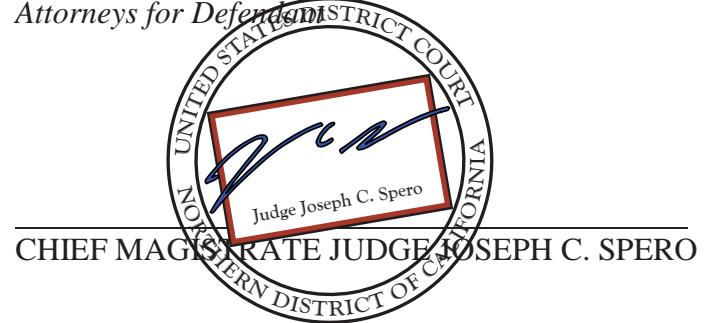
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13 **IT IS SO ORDERED.**

14 DATED: August 22, 2017



1 **ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

2 I, Steve W. Berman, am the ECF User whose identification and password are being used to
3 file the foregoing document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all
4 signatories have concurred in this filing.

5 Dated: August 21, 2017

6 _____
7 */s/ Steve W. Berman*

Steve W. Berman